

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 95000-95004

95000. This title may be cited as the California Early Intervention Services Act.

95001. (a) The Legislature hereby finds and declares all of the following:

(1) There is a need to provide appropriate early intervention services individually designed for infants and toddlers from birth through two years of age, who have **disabilities** or are at risk of having **disabilities**, to enhance their development and to minimize the potential for developmental delays.

(2) Early intervention services for infants and toddlers with **disabilities** or at risk represent an investment of resources, in that these services reduce the ultimate costs to our society, by minimizing the need for special education and related services in later school years and by minimizing the likelihood of institutionalization. These services also maximize the ability of families to better provide for the special needs of their child. Early intervention services for infants and toddlers with **disabilities** maximize the potential to be effective in the context of daily life and activities, including the potential to live independently, and exercise the full rights of citizenship. The earlier intervention is started, the greater is the ultimate cost-effectiveness and the higher is the educational attainment and quality of life achieved by children with **disabilities**.

(3) The family is the constant in the child's life, while the service system and personnel within those systems fluctuate. Because the primary responsibility of an infant or toddler's well-being rests with the family, services should support and enhance the family's capability to meet the special developmental needs of their infant or toddler with **disabilities**.

(4) Family to family support strengthens families' ability to fully participate in services planning and their capacity to care for their infant or toddler with **disabilities**.

(5) Meeting the complex needs of infants with **disabilities** and their families requires active state and local coordinated, collaborative and accessible service delivery systems that are flexible, culturally competent and responsive to family identified

needs. When health, developmental, educational and social programs are coordinated, they are proven to be cost-effective, not only for systems, but for families as well.

(6) Family-professional collaboration contributes to changing the ways that early intervention services are provided and to enhancing their effectiveness.

(7) Infants and toddlers with **disabilities** are a part of their communities, and as citizens make valuable contributions to society as a whole.

(b) Therefore, it is the intent of the Legislature that:

(1) Funding provided under Part H of the Individuals with **Disabilities** Education Act (20 U.S.C. Sec. 1471 et seq.), be used to improve and enhance early intervention services as defined in this title by developing innovative ways of providing family focused, coordinated services, which are built upon existing systems.

(2) The State Department of Developmental Services, the California Department of Education, the State Department of Health Services, the State Department of Mental Health, the State Department of Social Services, and the State Department of Alcohol and Drug Programs coordinate services to infants and toddlers with **disabilities** and their families. These agencies need to collaborate with families and communities to provide a family-centered, comprehensive, multidisciplinary, interagency community-based, early intervention system for infants and toddlers with **disabilities**.

(3) Families be well informed, supported, and respected as capable and collaborative decisionmakers regarding services for their child.

(4) Professionals be supported to enhance their training and maintain a high level of expertise in their field, as well as knowledge of what constitutes most effective early intervention practices.

(5) Families and professionals join in collaborative partnerships to develop early intervention services which meet the needs of infants and toddlers with **disabilities**, and that such partnerships be the basis for the development of services which meet the needs of the culturally and linguistically diverse population of California.

(6) To the maximum extent possible, infants and toddlers with **disabilities** and their families be provided services in the most natural environment, and include the use of natural supports and existing community resources.

(7) The services delivery system be responsive to the families and children it serves within the context of cooperation and coordination among the various agencies.

(8) Early intervention program quality be assured and maintained through established early intervention program and personnel standards.

(9) The early intervention system be responsive to public input and participation in the development of implementation policies and procedures for early intervention services through the forum of an interagency coordinating council established pursuant to federal regulations under Part H of the Individuals with **Disabilities** Education Act.

(c) It is not the intent of the Legislature to require the State Department of Education to implement this title unless adequate reimbursement, as specified and agreed to by the department, is provided to the department from federal funds from Part H of the Individuals with **Disabilities** Education Act.

95001.5. In order to prevent any potential conflict of interest and pursuant to Section 303.604 of Title 34 of the **Code** of Federal Regulations, no member of the interagency coordinating council may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest.

95002. The purpose of this title is to provide a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, interagency programs, responsible for providing appropriate early intervention services and support to all eligible infants and toddlers and their families.

95003. (a) The state's participation in Part H of the Individuals with **Disabilities** Education Act (20 U.S.C. Sec. 1471 et seq.) shall be contingent on the receipt of federal funds to cover the costs of complying with the federal statutes and regulations that impose new requirements on the state. The State Department of Developmental Services and the State Department of Education shall annually report to the Department of Finance during preparation of the Governor's Budget, and the May revision, the budget year costs and federal funds projected to be available.

(b) If the amount of funding provided by the federal **government** pursuant to Part H of the Individuals with **Disabilities** Education Act for the 1993-94 fiscal year, or any fiscal year thereafter, is not sufficient to fund the full increased costs of participation in this federal program by the local education agencies, as required pursuant to this title, for infants and toddlers from birth through two years

of age identified pursuant to Section 95014, and that lack of federal funding would require an increased contribution from the General Fund or a contribution from a local educational agency in order to fund those required and supplemental costs, the state shall terminate its participation in the program. Termination of the program shall occur on July 1 if local education agencies have been notified of the termination prior to March 10 of that calendar year. If this notification is provided after March 10 of a calendar year, then termination shall not occur earlier than July 1 of the subsequent calendar year. The voluntary contribution by a state or local agency of funding for any of the programs or services required pursuant to this title shall not constitute grounds for terminating the state's participation in that federal program. It is the intent of the Legislature that if the program terminates, the termination shall be carried out in an orderly manner with notification of parents and certificated personnel.

(c) This title shall remain in effect only until the state terminates its participation in Part H of the Individuals with **Disabilities** Education Act (20 U.S.C. Sec. 1471 et seq.) for individuals from birth through two years of age and notifies the Secretary of the Senate of the termination, and as of that later date is repealed. As the lead agency, the State Department of Developmental Services shall, upon notification by the Department of Finance or the State Department of Education as to the insufficiency of federal funds and the termination of this program, be responsible for the payment of services pursuant to this title when no other agency or department is required to make these payments.

95004. The early intervention services specified in this title shall be provided as follows:

(a) Direct services for eligible infants and toddlers and their families shall be provided pursuant to the existing regional center system under the Lanterman Developmental **Disabilities** Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions **Code**) and the existing local education agency system under appropriate sections of Part 30 (commencing with Section 56000) of the Education **Code** and regulations adopted pursuant thereto, and Part C of the Individuals with **Disabilities** Education Act (20 U.S.C. Sec. 1431 et seq.).

(b) (1) In providing services under this title, regional centers shall comply with the Lanterman Developmental **Disabilities** Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions **Code**, and its implementing regulations (Division 2

(commencing with Section 50201) of Title 17 of the California **Code** of Regulations) including, but not limited to, those provisions relating to vendorization and ratesetting, except where compliance with those provisions would result in any delays in, or any cost to the families for, the provision of early intervention, or otherwise conflict with this title and the regulations implementing this title (Chapter 2 (commencing with Section 52000) of Division 2 of Title 17 of the California **Code** of Regulations), or Part C of the Individuals with **Disabilities** Education Act (20 U.S.C. Sec. 1431) et seq., and applicable federal regulations contained in Part 303 (commencing with Section 303.1) of Title 34 of the **Code** of Federal Regulations.

(2) When compliance with this subdivision would result in any delays in the provision of early intervention services or costs to families for the provision of any of these services, the department may authorize a regional center to use a special service **code** that allows immediate procurement of the service.

(c) Services shall be provided by family resource centers that provide, but are not limited to, parent-to-parent support, information dissemination and referral, public awareness, family professional collaboration activities, and transition assistance for families.

(d) Existing obligations of the state to provide these services at state expense shall not be expanded.

(e) It is the intent of the Legislature that services be provided in accordance with Sections 303.124, 303.126, and 303.527 of Title 34 of the **Code** of Federal Regulations.